IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 26TH NOVEMBER 2007 / 5TH AGRAHAYANA 1929

WP(C).No. 34137 of 2007(L)

PETITIONER:

JOSEPH.P.J., AGED 35,
S/O.JOSEPH, PULICKAL HOUSE, THALATHURUTH KARA,
PUTHENVELIKKARA VILLAGE, PUTHENVELIKKARA.

BY ADV. SRI.S.SUDHISH KUMAR
SRI.K.Y.TOMY
SRI.K.B.DAYAL
SRI.SIBI KARUN

RESPONDENTS:

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1. STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

2. SUB INSPECTOR OF POLICE,
CHENGAMANAD POLICE STATION, CHENGAMANAD.

BY PUBLIC PROSECUTOR SRI.M.S.BREEZ

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 26/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

R.BASANT, J.

W.P.C.No.34137 of 2007

Dated this the 26th day of November 2007

J U D G M E N T

The short grievance of the petitioner is that C.C.No.1710/2005 pending before the Judicial First Class Magistrate Court-I, Aluva for offences punishable inter alia under Section 326 read with 149 I.P.C is not being disposed of by the learned Magistrate. The petitioner is the fourth accused and altogether there are seventeen accused persons. According to the petitioner, there is compelling reasons as to why the case against the petitioner must be taken out of turn and disposed of expeditiously. The petitioner expects to secure a job at Ireland and wants to join his wife who is already employed there. Therefore, it is prayed that there may be a direction for expeditious disposal.

2. Cognizance was taken as early as in 2005; but no progress has been made in the trial of the case. It is certainly for the petitioner to appear before the learned Magistrate and seek expeditious disposal of the case against him. This court cannot obviously fix the schedule for work before the subordinate

courts. If the petitioner applies to the learned Magistrate and the said prayer is not considered properly, I can understand the petitioner coming to this court. The course adopted by the petitioner of rushing to this court without and before making a request before the learned Magistrate for expeditious disposal does not appear to me to be proper or correct.

3. Be that as it may, the plight of the petitioner does deserve sympathy. He is likely to secure employment abroad and will be able to join his wife; but for the pendency of the present proceedings. The petitioner can certainly appear before the learned Magistrate and seek expeditious disposal by advancement. The learned Magistrate must consider the prayer of the petitioner with sympathy and compassion which he deserves.

4. This writ petition is accordingly dismissed with the above observations.

(R.BASANT, JUDGE)

jsr

// True Copy// PA to Judge

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007